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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,950	08/29/2000	Mark T. Gross	5038-41	8973

20575 7590 08/25/2004

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1030 SW MORRISON STREET  
PORTLAND, OR 97205

EXAMINER

FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/650,950

Applicant(s)

GROSS, MARK T.

Examiner

Kimberly D Flynn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to an Amendment filed July 6, 2004. Claims 1-7 and 14-17 are presented for further consideration.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib (6,272,532) in view of Sharnoff et al. (U.S. Patent No. 6,314,421).

In considering claim 1, Feinleib discloses a method for configuring an appliance across a network, comprising:

receiving configuration instructions via an e-mail message including the instructions in command format received at the appliance (see Feinleib col. 2, lines 50-59); and

While Feinleib discloses extracting the configuration instructions from the e-mail message at col. 2, lines 64-67 through col. 3, lines 1-2 and also col. 4, lines 4-7, Feinleib does not explicitly disclose wherein the extraction is done without parsing. Nonetheless, retrieving elements from a document with no parsing is well known as evidenced by Sharnoff. In similar art, Sharnoff discloses wherein documents are retrieved and then parsed into elements or alternatively, the elements are retrieved from the document and no parsing is necessary (see

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Sharnoff col. 8, lines 11-15). It would have been obvious to person having ordinary skill in the art, to incorporate the parser as an optional feature and to only parse documents or e-mails when parsing is necessary in order to directly reduce or eliminate unnecessary processing time. Therefore the claimed limitation is an obvious modification the system as disclosed by Feinleib.

In considering claim 2, the combined system of Feinleib and Sharnoff discloses a method wherein the e-mail is received at a mail server on the appliance (see Feinleib col. 2, lines 59-64).

In considering claim 3, the combined system of Feinleib and Sharnoff discloses a method wherein the mail server on the appliance communicates is one of the group comprised of: an IMAP server, and a SMTP server (see Feinleib col. 2, lines 59-66).

In considering claim 4, the combined system of Feinleib and Sharnoff discloses a method wherein the method further comprises running a mail daemon from the appliance, wherein the daemon monitors electronic mail for the device (see Feinleib col. 5, lines 28-36).

Although the combined system of Feinleib and Sharnoff discloses substantial features of the claimed invention, it fails to disclose the appliance always connected to the network. Nonetheless, the continual, uninterrupted connection of an appliance to a network would have been an obvious modification to the appliance disclosed by Feinleib, as many commercial devices are required to always be connected to the network in order to provide some type of requested service for end customers/clients. It would have been obvious for a person having ordinary skills in the art to modify Feinleib by always having the appliance connected to the network in order to provide 24/7 operations of usage for the appliance.

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In considering claim 5, the combined system of Feinleib and Sharnoff discloses a method wherein the method further comprises connecting the appliance to the network to receive the mail message (see Feinleib col. 5, lines 28-36).

In considering claims 6, the combined system of Feinleib and Sharnoff discloses wherein the e-mail message is retrieved at a mail client on the appliance (see Sharnoff col. 5, lines 64-67).

In considering claims 7, the combined system of Feinleib and Sharnoff discloses wherein the mail client on the appliance communicates with a mail server on the network (see Sharnoff col. 5, lines 57-63).

In considering claim 14, Feinleib discloses an article comprising:  
a storage medium, the storage medium having stored thereon instructions, that, when executed by a computing device, result in:

reception of an electronic mail message by a network appliance (see col. 5, lines 28-36);  
configuration of the appliance in accordance with the instructions contained in the electronic mail (col. 2, lines 50-59); and

While Feinleib discloses extracting the configuration instructions from the e-mail message at col. 2, lines 64-67 through col. 3, lines 1-2 and also col. 4, lines 4-7, Feinleib does not explicitly disclose wherein the extraction is done without parsing. Nonetheless, retrieving elements from a document with no parsing is well known as evidenced by Sharnoff. In similar art, Sharnoff discloses wherein documents are retrieved and then parsed into elements or alternatively, the elements are retrieved from the document and no parsing is necessary (see Sharnoff col. 8, lines 11-15).

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As stated in the Applicant's specification page 4, lines 4-9, the parser as part of the appliance is an **optional** component wherein the e-mail might be parsed into commands prior to arriving at the appliance or that the e-mail may be sent where the commands could be extracted or identified with no parsing. Because the parsing is optional, it would have been obvious to person having ordinary skill in the art, to incorporate the parser as an optional feature and to only parse documents or e-mails when parsing is necessary in order to directly reduce unnecessary processing time. Therefore the claimed limitation is an obvious modification the system as disclosed by Feinleib.

In considering claim 15, the combined system of Feinleib and Sharnoff discloses an article wherein the computing device is the network appliance (see Feinleib col. 5, lines 28-36).

In considering claims 16 and 17, although the combined system of Feinleib and Sharnoff discloses substantial features of the claimed invention, it fails to disclose the network appliance being a remote camera or Internet radio player. Nonetheless, those two appliances are commonly used as network appliances for applications such as WebCam and Real Audio Player, and would have been obvious modifications to the network appliance disclosed by Feinleib. It would have been obvious for a person having ordinary skills in the art to modify Feinleib by using a remote camera or Internet radio player in order to utilize a multitude of multimedia services and applications.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-7 and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609.

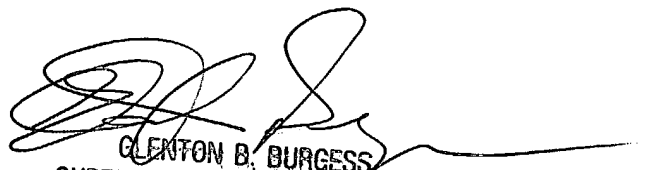
The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kimberly D Flynn  
Examiner  
Art Unit 2153

KF  
August 20, 2004

  
GLEN B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100